

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

RICKY A. REYNA,

Plaintiff,

v.

SANDRA CLARK, ET. AL.,

Defendants.

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CIVIL ACTION NO. 5:20-CV-181-RWS-JBB

ORDER

Before the Court is Defendants Sandra Clark, Angelica Hernandez, and Melinda Thomas's Motion for Summary Judgment. Docket No. 23. Plaintiff Ricky Reyna filed this action complaining of alleged violations of his constitutional rights due to Defendants' use of force. Docket No. 1. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636. The Magistrate Judge issued a Report recommending that summary judgment be granted in favor of Defendants Thomas and Hernandez, and that all claims against them be dismissed. Docket No. 30. The Magistrate Judge also recommended that summary judgment be denied for Defendant Clark. *Id.* Plaintiff acknowledged receipt of the Report on August 11, 2023. Docket No. 31.

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations, and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-

RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

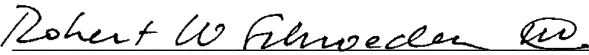
ORDERED that the Report of the Magistrate Judge (Docket No. 30) is **ADOPTED** as the opinion of the district court. It is further

ORDERED that Defendants' motion for summary judgment (Docket No. 23) is **GRANTED** as to Defendants Thomas and Hernandez. It is further

ORDERED that all claims against Defendants Thomas and Hernandez are **DISMISSED WITH PREJUDICE**. Defendants Thomas and Hernandez are terminated as parties to this lawsuit. It is further

ORDERED that Defendants' motion for summary judgment is **DENIED** as to Defendant Clark.

So ORDERED and SIGNED this 18th day of September, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE